

House File 124 - Introduced

HOUSE FILE 124

BY DOLECHECK

A BILL FOR

1 An Act replacing the charter school establishment option under
2 the state's system of public education.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 256J.1 Charter schools.

2 1. The board of directors of a school district, the
3 administrators of an accredited nonpublic school, the board of
4 directors of a community college, the state board of regents,
5 an accredited private institution as defined in section 261.9,
6 or a private nonprofit corporation organized under chapter 504
7 may submit an application to the state board to establish a
8 charter school. The state board shall adopt rules specifying
9 the criteria for approval of charter schools. The department
10 shall develop an application process. The applicant shall
11 specify in its application all of the following:

12 a. Mission and instructional focus of the school.

13 b. Organizational structure and management of the school.

14 c. Impact of labor agreements and contracts on the success
15 of the school.

16 d. Roles and responsibilities of all involved
17 constituencies.

18 e. Arrangements for special needs students.

19 f. Connection of the school to the school district.

20 g. Facility and operation costs.

21 h. Methods for measuring results, including but not limited
22 to student achievement results.

23 2. For purposes of this section, "*charter school*" means a
24 school that is nonsectarian in its program, admission policies,
25 employment practices, and all other operations. The school is
26 a public school and is part of the state's system of public
27 education. The primary focus of a charter school shall be to
28 provide a comprehensive program of instruction for at least one
29 grade or age group from five through eighteen years of age.
30 Charter schools may be designed to provide significant autonomy
31 for the schools. However, charter schools shall be accountable
32 for significant results, including but not limited to student
33 achievement levels higher than the statewide average.

34 3. Except as provided in this subsection, charter schools
35 are exempt from all statutes and rules applicable to a school,

1 a school board, or a school district, although a charter school
2 may elect to comply with one or more provisions of statute
3 or rule. A charter school shall meet all applicable state
4 and local health and safety requirements; the provisions of
5 chapters 21 and 22 shall apply to meetings and records of a
6 charter school board; and a charter school is subject to and
7 shall comply with chapters 216 and 216A relating to civil and
8 human rights, sections 275.55A, 279.9A, 280.17B, 280.21B, and
9 282.4, relating to suspension and expulsion of a student,
10 and chapter 285 relating to the transportation of students.
11 The charter school shall employ or contract with necessary
12 teachers, as defined in section 272.1, who hold a valid license
13 with an endorsement for the type of service for which the
14 teacher is employed. Charter schools are subject to the same
15 financial audits, audit procedures, and audit requirements as
16 a school district. The audits shall be consistent with the
17 requirements of sections 11.6, 11.14, 11.19, 256.9, subsection
18 20, and section 279.29, except to the extent deviations are
19 necessary because of the program at a charter school. The
20 department, auditor of state, or the legislative services
21 agency may conduct financial, program, or compliance audits.
22 The provisions of chapter 20 shall not apply to the board of
23 directors of a charter school or its employees.

24 4. A student enrolled in a charter school shall be counted,
25 for state school foundation aid purposes, in the student's
26 district of residence. A student's residence, for purposes
27 of this section, means a residence under section 282.1. The
28 board of directors of the district of residence shall pay to
29 the charter school the state cost per pupil for the previous
30 school year, plus any moneys received for the student as a
31 result of the non-English speaking weighting under section
32 280.4, subsection 3, for the previous school year multiplied by
33 the state cost per pupil for the previous year.

34 Sec. 2. Section 282.9, subsection 1, Code 2011, is amended
35 to read as follows:

1 1. Notwithstanding sections 275.55A, ~~256F.4,~~ and 282.18,
2 or any other provision to the contrary, prior to knowingly
3 enrolling an individual who is required to register as a sex
4 offender under chapter 692A, but who is otherwise eligible
5 to enroll in a public school, the board of directors of a
6 school district shall determine the educational placement of
7 the individual. Upon receipt of notice that a student who
8 is enrolled in the district is required to register as a sex
9 offender under chapter 692A, the board shall determine the
10 educational placement of the student. The tentative agenda
11 for the meeting of the board of directors at which the board
12 will consider such enrollment or educational placement shall
13 specifically state that the board is considering the enrollment
14 or educational placement of an individual who is required
15 to register as a sex offender under chapter 692A. If the
16 individual is denied enrollment in a school district under this
17 section, the school district of residence shall provide the
18 individual with educational services in an alternative setting.

19 Sec. 3. Section 282.18, subsection 4, paragraph b, Code
20 2011, is amended to read as follows:

21 *b.* For purposes of this section, "*good cause*" means a change
22 in a child's residence due to a change in family residence, a
23 change in the state in which the family residence is located,
24 a change in a child's parents' marital status, a guardianship
25 or custody proceeding, placement in foster care, adoption,
26 participation in a foreign exchange program, or participation
27 in a substance abuse or mental health treatment program, a
28 change in the status of a child's resident district such as
29 removal of accreditation by the state board, surrender of
30 accreditation, or permanent closure of a nonpublic school,
31 ~~revocation closure~~ of a charter school ~~contract as provided in~~
32 ~~section 256F.8,~~ the failure of negotiations for a whole grade
33 sharing, reorganization, dissolution agreement or the rejection
34 of a current whole grade sharing agreement, or reorganization
35 plan. If the good cause relates to a change in status of a

1 child's school district of residence, however, action by a
2 parent or guardian must be taken to file the notification
3 within forty-five days of the last board action or within
4 thirty days of the certification of the election, whichever is
5 applicable to the circumstances.

6 Sec. 4. TRANSITIONAL PROVISION. A charter school
7 established pursuant to chapter 256F, Code 2011, may continue
8 to operate in compliance with chapter 256F, Code 2011, or
9 the charter school contract may be modified to meet the
10 requirements of chapter 256J as enacted in this Act.

11 Sec. 5. REPEAL. Chapter 256F, Code 2011, is repealed.

12

EXPLANATION

13 This bill provides for the establishment of charter
14 schools by any of the following: school districts, accredited
15 nonpublic schools, public and private accredited postsecondary
16 institutions, and private nonprofit corporations. The bill
17 requires the entities to apply to the state board of education,
18 directs the state board to specify criteria for the approval of
19 charter schools, directs the department of education to develop
20 an application process, and specifies what the applicant must
21 include in the application.

22 The bill defines a charter school as nonsectarian in its
23 program, admission policies, employment practices, and all
24 other operations. The school is a public school and is part
25 of the state's system of public education. The primary focus
26 of a charter school is to provide a comprehensive program of
27 instruction for at least one grade or age group from 5-18 years
28 of age. Charter schools may be designed to provide significant
29 autonomy for the schools. However, charter schools shall
30 be accountable for significant results, including but not
31 limited to student achievement levels higher than the statewide
32 average.

33 Charter schools are exempt from all statutes and rules
34 applicable to a school, a school board, or a school district,
35 except as specified in the bill, but may elect to comply with

1 one or more provisions of statute or rule. A charter school
2 must meet all applicable state and local health and safety
3 requirements; comply with the open meetings and records laws;
4 comply with civil and human rights laws; comply with Code
5 provisions related to suspension and expulsion of a student;
6 provide for transportation of students; and employ or contract
7 with necessary teachers who hold a valid license with an
8 endorsement for the type of service for which the teacher is
9 employed. Charter schools are subject to the same financial
10 audits, procedures, and requirements as a school district,
11 except to the extent deviations are necessary because of the
12 program at the school. The provisions of Code chapter 20
13 relating to collective bargaining do not apply to the board of
14 directors of a charter school or its employees.

15 A student enrolled in a charter school shall be counted, for
16 state school foundation aid purposes, in the student's district
17 of residence. The district of residence shall pay to the
18 charter school the state cost per pupil for the previous school
19 year, plus any moneys received for the student as a result of
20 the non-English speaking weighting for the previous school year
21 multiplied by the state cost per pupil for the previous year.

22 The bill repeals Code chapter 256F, and provides that a
23 charter school established under the repealed Code chapter
24 may continue to operate in compliance with the repealed Code
25 chapter, or the charter school contract may be modified to meet
26 the requirements of new Code chapter 256J as enacted in the
27 bill.